

REMARKS / ARGUEMENTS

Claims 1-5, 7-13, and 16-19 are pending.

Claim 22 is new.

Claims 1-5, 7-13, and 16-19 are rejected.

Claim 1 is amended to claim a specific relationship between what happens to data associated with the enhancement layer and the base layer parity data, when a network experiences a loss of data. The support for this claim amendment comes from cancelled Claim 6 and the specification on page 8, lines 9-16, and in other places.

Claim 7 is amended to claim the reverse case of what is claimed in Claim 1. Support for this amendment was made by putting Claim 7 into independent form, and applying the principles in the specification on page 8, lines 9-16, and in other places.

Claim 13 is amended to incorporate features in previously pending Claims 14 and 15, and in view of the specification on page 8, lines 9-16, and in other places.

Claim 19 is amended to correct the listed typo from being "comprise as least one of" to "comprise at least one of". This correct in view of language and is not because of any statutory objection or rejection.

New Claim 22 cites a special case for the organization of frames used in the base and enhancement layers. Support for this new claim is found in the specification on page 9, lines 17-20, and in other places.

No new matter was entered in view of these amendments.

I. Claim Objections

The Examiner objected to Claims 19 because of a typo. This typo has been corrected in view of the amendment discussed above.

II. 35 U.S.C. § 102(e) Rejection to Claims 1-4, 7, 10-13 and 16-19

The Examiner rejected Claims 1-4, 7, 10-13, and 16-19 under 35 U.S.C. 102(e) as being anticipated by Meehan et al. (U.S. Patent 6,909,753, hereafter referred to as 'Meehan'). Applicants disagree with this ground of rejection.

In the review of the Meehan reference, a encoding/decoding scheme is disclosed which utilizes a scalable video codec to produce a base layer and an enhancement layer according to a MPEG4 encoding technique called Fine Granularity scalability (FGS), see Meehan, col. 1, lines 37-42. Meehan also discloses a technique of using error correction codes (ECCs) which "allows for some part of the original layers to be reconstructed when some data has been lost during processing or transmission," (Meehan, col. 5, lines 61-65).

Meehan even discloses an example where when the SQI of a network is bad, the ECC 5 module may increase the ECC to make the layers more robust. While the bit rate of transmitted information may be increased if the SQI is favorable (Meehan, col. 6, lines 55-62).

The Meehan reference however does not specifically discuss or suggest specific interplays between what types of specific adjustments should be made to the base layer, enhancement layer(s), the parity data associated with the base layer, and the parity data associated with the enhancement layers. That is, Meehan generally teaches that both the bit rates (amount of data) of the enhancement layer(s) and base layer are to be adjusted in the same direction, and that the parity data associated with the enhancement layer and base layer, respectively, are to be adjusted similarly in the same direction.

Claim 1 however is different that what is disclosed or suggested in Meehan in that the specific composition of the base layer parity data and the enhancement layer are changed in view of a data loss, while the base layer itself stays the same. Specifically, the attributes of "adjusting a composition of prioritized data for transmission in response to a change in network conditions resulting in a loss of data on said network, wherein an amount of data of said enhancement layer data is reduced and an amount of data of said parity information associated with said base layer is increased, while said amount of data of said base layer stays the same". That is, there is no specific disclosure of a prioritization between a tradeoff between the base layer parity data and the enhancement layer data (itself) in Meehan. Claim 7 offers the reverse case, which is similarly not disclosed or suggested in Meehan. The invention still recognizes that there is a need to keep the base layer information the same (see specification col. 7, lines 29 to col. 8, lines 8) which requires a certain level of information for the base layer.

The specification of the present invention explicitly recognizes that there is an advantage to deciding what type of data to transmit in that under some cases (between base layer parity data and enhancement layer data, see specification page 7, lines 7-31).

Claim 13, as amended, incorporates the ideas above (for Claims 1 and 7) which disclose a specific interplay between the enhancement layer data and the parity data associated with the base layer when network data loss occurs or is reduced. The elements of:

"the composition of transmitted base layer information with associated parity data and the enhancement layer information with associated parity data is determined in response to network conditions, wherein

(i) an transmitted amount of data associated with said enhancement layer is increased and an transmitted amount of data associated with said base layer parity data is decreased when said network conditions result in low network loss, and

(ii) said transmitted amount of data associated with said enhancement layer is decreased and said transmitted amount of data associated with said base layer parity data is increased when said network conditions result in a high network data loss," is not disclosed or suggested in the prior art for the reasons given stated above.

Applicants assert Claims 1, 7, and 13 are patentable over the cited art of record. Additionally, Applicants assert that Claims 2-4, Claims 10-12, and Claims 16-19 are patentable for the reasons given above for Claims 1, 7, and 13, respectively. Applicants request that the Examiner remove the rejection to these claims.

III. 35 U.S.C. § 103(a) Rejection to Claim 5

The Examiner rejected Claim 5 under 35 U.S.C. 103(a) as being anticipated by Meehan in further view of Van Gestel et al. (U.S. Patent 5,579,183). Applicants disagree with this ground of rejection because Claim 5 is patentable as it depends on allowable Claim 1.

Applicants therefore request that the Examiner remove the rejection to this claim.

III. 35 U.S.C. § 103(a) Rejection to Claim 5

The Examiner rejected Claim 5 under 35 U.S.C. 103(a) as being anticipated by Meehan in further view of Van Gestel et al. (U.S. Patent 5,579,183). Applicants disagree with this ground of rejection because Claim 5 is patentable as such a claim depends on allowable Claim 1.

Applicants therefore request that the Examiner remove the rejection to this claim.

IV. 35 U.S.C. § 103(a) Rejection to Claims 8 and 9

The Examiner rejected Claims 8 and 9 under 35 U.S.C. 103(a) as being anticipated by Meehan in further view of Boyce (U.S. Patent 6,317,462). Applicants disagree with this ground of rejection because Claims 8 and 9 are patentable as such claims depend on allowable Claim 1.

Applicants therefore request that the Examiner remove the rejection to these claims.

It is believed that no fees are owed in connection with this response, if any such fees are owed, please charge Deposit Account 07-0832.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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